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HOUSE BILL 731

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Richard D. Vigil

AN ACT

RELATING TO INSURANCE; REQUIRING GROUP HEALTH CARE COVERAGE OF
UNMARRIED DEPENDENTS UNTIL THEIR TWENTY-FOURTH BIRTHDAY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Health Care Purchasing
Act is enacted to read:

" [NEW MATERIAL] MAXIMUM AGE OF DEPENDENT. --

A. Group health care coverage, including any form
of self-insurance, offered, issued or renewed under the Health
Care Purchasing Act on or after July 1, 2003 that offers
coverage of an insured's dependent shall not terminate coverage
of an unmarried dependent by reason of the dependent's age
before the dependent's twenty-fourth birthday.

B. Nothing in this section shall be construed to
apply to eligibility criteria for programs pursuant to Title 19

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 or Title 21 of the federal Social Security Act. "

2 Section 2. Section 59A-22-2 NMSA 1978 (being Laws 1984,
3 Chapter 127, Section 423) is amended to read:

4 "59A-22-2. FORM AND CONTENT OF POLICY. -- ~~[No]~~ A policy of
5 individual health insurance shall not be delivered or issued
6 for delivery in this state unless:

7 A. the entire money and other considerations
8 ~~[therefor]~~ are ~~[expressed therein and]~~ stated in the policy;

9 B. the time at which insurance takes effect and
10 terminates is ~~[expressed therein and]~~ stated in the policy;

11 C. ~~[it]~~ the policy purports to insure only one
12 person, except as provided in Chapter 59A, Article 23 ~~[of the~~
13 ~~Insurance Code]~~ NMSA 1978, and except that a policy or contract
14 may be issued upon application of the head of a family, who
15 shall be deemed the policyholder, covering members of any one
16 family, including husband, wife, dependent children or any
17 children under the age of ~~[nineteen (19)]~~ twenty-four and other
18 dependents living with the family; ~~[and]~~

19 D. ~~[every printed portion of the text matter and of~~
20 ~~any]~~ the policy, endorsements or attached papers shall be
21 printed in uniform type of which the face shall be not less
22 than ten ~~[(10)]~~ point, ~~[(the "text" shall include all printed~~
23 ~~matter]~~ except for the name and address of the insurer, name
24 and title of the policy, captions, subcaptions and form numbers
25 ~~[)]~~, but notwithstanding any provision of this law, the

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underscored material = new
[bracketed material] = delete

1 superintendent shall not disapprove any [~~such~~] policy on the
2 ground that every printed portion of its text matter or of any
3 endorsement or attached paper is not printed in uniform type if
4 it shall be shown that the type used is required to conform to
5 the laws of another state in which the insurer is authorized;
6 [~~and~~]

7 E. the exceptions and reductions of indemnity are
8 adequately captioned and clearly set forth in the policy or
9 contract; [~~and~~]

10 F. each such form, including riders and
11 endorsements, shall be identified by a form number in the lower
12 left-hand corner of the first page thereof; and

13 G. if any policy is issued by an insurer domiciled
14 in this state for delivery to a person residing in another
15 state, and if the official having responsibility for the
16 administration of insurance laws of such other state shall have
17 advised the superintendent that any such policy is not subject
18 to approval or disapproval by such official, the superintendent
19 may by ruling require that such policy meet the standards set
20 forth in Sections [~~424 through 446 of this article~~] 59A-22-3
21 through 59A-22-25 NMSA 1978. "

22 Section 3. A new section of Chapter 59A, Article 23 NMSA
23 1978 is enacted to read:

24 "[NEW MATERIAL] MAXIMUM AGE OF DEPENDENT. --

25 A. A blanket or group health policy or certificate

underscored material = new
[bracketed material] = delete

1 of insurance offered, delivered, issued for delivery or renewed
2 in New Mexico on or after July 1, 2003 that provides coverage
3 for an insured's dependent shall not terminate coverage of an
4 unmarried dependent by reason of the dependent's age before the
5 dependent's twenty-fourth birthday.

6 B. Nothing in this section shall be construed to
7 apply to eligibility criteria for programs pursuant to Title 19
8 or Title 21 of the federal Social Security Act. "

9 Section 4. A new section of Chapter 59A, Article 46 NMSA
10 1978 is enacted to read:

11 "[NEW MATERIAL] MAXIMUM AGE OF DEPENDENT. --

12 A. Each group health maintenance organization
13 contract offered, delivered, issued for delivery or renewed in
14 New Mexico on or after July 1, 2003 that provides coverage for
15 an enrollee's dependent shall not terminate coverage of an
16 unmarried dependent who is a full-time student by reason of the
17 dependent's age before the dependent's twenty-fourth birthday.

18 B. Nothing in this section shall be construed to
19 apply to eligibility criteria for programs pursuant to Title 19
20 or Title 21 of the federal Social Security Act. "

21 Section 5. A new section of Chapter 59A, Article 47 NMSA
22 1978 is enacted to read:

23 "[NEW MATERIAL] MAXIMUM AGE OF DEPENDENT. --

24 A. Any group subscriber contract offered, issued or
25 renewed in New Mexico on or after July 1, 2003 that provides

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[bracketed material] = delete

1 coverage of a subscriber's dependents shall not terminate
2 coverage of an unmarried dependent by reason of the dependent's
3 age before the dependent's twenty-fourth birthday.

4 B. Nothing in this section shall be construed to
5 apply to eligibility criteria for programs pursuant to Title 19
6 or Title 21 of the federal Social Security Act. "